

### **REMARKS**

Claims 1-44 are pending. Each of the independent claims were amended to address items that were discussed at the personal interview, as discussed in more detail below. Selected dependent claims were amended solely to maintain consistency with the amended independent claims.

No new matter was added by any of the foregoing amendments. The computer implementation and the “electronic” nature of the databases are inherent features of the claimed invention.

### **Examiner Interview**

Applicants wish to thank Examiner Kang and Supervisory Patent Examiner Andrew Fischer for extending the courtesy of a personal interview with Applicants’ undersigned representative and Matthew Walker (attending by telephone) who is Principal and Counsel for the assignee, The Vanguard Group, on July 31, 2008. During the interview, the contents of the previously filed Response was discussed. A summary of the key issues that were discussed follows below:

1. Applicants reviewed the arguments for patentability presented in the previously filed Response. A decision regarding such arguments will be made upon a final review of the previously filed Response and this paper.

2. Examiner Fischer requested that the independent claims be amended to more explicitly recite that the methods and apparatus use a “computer” and that the databases are “electronic” databases. Applicants believe that such features are inherent in the claimed invention by virtue of the use of the claimed QDI calculation engine. However, to advance prosecution, the claims were amended to explicitly recite such features.

3. The Examiner questioned whether the claims that recite the Form 1099-DIV (claims 18, 22, 40 and 43) should be amended to recite specifics of the form because the form undergoes changes from time to time. Applicants believe that the current language is acceptable and does not raise any indefiniteness issues. The specification describes the version of Form 1099-DIV

that was current at the time that the patent application was filed so the scope of the claims is clear.

4. Examiner Fischer noted that certain functional language in Applicants' apparatus claims might raise indefiniteness issues in view of *IPXL Holdings, L.L.C. v. Amazon.com., Inc.* 430 F.3d 1377 (Fed. Cir. 2005). Applicants' representative respectfully disagrees that any of the pending claims raises such issues. First, the pending apparatus claims do not recite an apparatus and a method of use of the apparatus in the same claim. *Id at 1384*. Second, Applicants noted that a recent CAFC case, *Microprocessor Enhancement Corp. v. TI*, 520 F.3d 1367 (Fed. Cir. 2008)<sup>1</sup>, has clarified that *IPXL Holdings* does not stand for the principle that apparatus claims containing functional language are necessarily indefinite.

### **Patentability of pending claims**

The previously filed Response, coupled with the additional comments above, sets forth Applicants' detailed explanation for patentability of the pending claims over the prior art of record.

### **Conclusion**

Insofar as the Examiner's rejections were fully addressed, the instant application is believed to be in condition for allowance. Issuance of a Notice of Allowability of all pending claims is therefore earnestly solicited.

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<sup>1</sup> See the attached Appendix for the full-text of the Court decision in *Microprocessor Enhancement Corp. v. TI*.

Respectfully submitted,

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(Date)

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Enclosure (Appendix – 25 pages)